

CHAPTER 424

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 22-207

BY SENATOR(S) Winter, Bridges, Buckner, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Lee, Pettersen, Story, Zenzinger, Fenberg;
 also REPRESENTATIVE(S) Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Kipp, Lindsay, Lontine, Michaelson Jenet, Sirota, Titone, Weissman, Woodrow.

AN ACT

CONCERNING THE PREVENTION OF TITLE IX MISCONDUCT ON PUBLIC SCHOOL CAMPUSES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 22-1-137 as follows:

22-1-137. Title IX regulation study - definitions - repeal. (1) (a) THERE IS CREATED IN THE DEPARTMENT THE TITLE IX REGULATION STUDY, REFERRED TO IN THIS SECTION AS THE "STUDY". THE DEPARTMENT SHALL CONTRACT WITH A THIRD PARTY CONTRACTOR TO CONDUCT THE STUDY. THE THIRD PARTY CONTRACTOR SHALL CONSULT WITH THE DEPARTMENT, A SEXUAL MISCONDUCT ADVISORY COMMITTEE WITHIN THE DEPARTMENT OF HIGHER EDUCATION, A K-12 ADVOCACY ORGANIZATION, AND A COLORADO STUDENT GOVERNMENT ORGANIZATION. THE THIRD PARTY CONTRACTOR SHALL STUDY THE AMENDMENTS TO THE TITLE IX REGULATIONS ISSUED BY THE UNITED STATES DEPARTMENT OF EDUCATION'S OFFICE FOR CIVIL RIGHTS.

(b) THE STUDY MUST INCLUDE AN EXAMINATION OF THE FOLLOWING:

(I) BEST PRACTICES FOR PREVENTION, NOTIFICATION, TRAINING, AND RESPONDING TO SEX-BASED DISCRIMINATION AND HARASSMENT IN PUBLIC SCHOOLS;

(II) THE GAPS BETWEEN STATE AND FEDERAL LAW REGARDING TITLE IX; AND

(III) WHETHER TITLE IX REGULATIONS PLACE LIMITS ON STATE LAW AND WHETHER THE COLORADO GENERAL ASSEMBLY MAY ADOPT MORE STRINGENT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

STANDARDS IN STATE STATUTE.

(c) (I) IF THE DEPARTMENT CONTRACTS WITH A PUBLIC UNIVERSITY AS THE THIRD PARTY CONTRACTOR, THE DEPARTMENT SHALL SUBMIT THE RESULTS OF THE STUDY ON JANUARY 31, 2023, TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

(II) IF THE DEPARTMENT CONTRACTS WITH A THIRD PARTY CONTRACTOR THAT IS NOT A PUBLIC UNIVERSITY, THE DEPARTMENT SHALL SUBMIT THE RESULTS OF THE STUDY ON MARCH 30, 2023, TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

(2) (a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(b) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22.

(c) "TITLE IX" MEANS TITLE IX OF THE FEDERAL "EDUCATION AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 TO 1688, AS AMENDED.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 2. Appropriation. For the 2022-23 state fiscal year, \$57,850 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for a title IX regulation study.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022